

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, et al.,)

Plaintiffs,)

vs.)

Case No. 4:21CV64 JCH

SULTAN GENERAL CONSTRUCTION)
COMPANY, LLC,)

Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on attorneys Corey L. Franklin and Matthew D. Grabell and the law firm of FordHarrison, LLP's Motion to Withdraw as Counsel of Record for the Defendant. For the following reasons, the motion will be granted.

On March 24, 2022, counsel for Defendant filed a motion to withdraw as counsel for Defendant. The motion was unopposed. The Court held defense counsel's motion in abeyance, and imposed a notice of withdrawal period until May 26, 2022. (*See* ECF No. 28). The Court ordered Defendant to obtain substitute counsel no later than May 26, 2022. The Court also stated that defense counsel would be allowed to withdraw on May 27, 2022, or upon the entry of substitute counsel. Because Defendant has not obtained substitute counsel by the deadline imposed, and has received adequate notice that the Court would permit its attorneys to withdraw from representation in this matter, the Court will grant defense counsel's motion to withdraw from representation of Defendant in this matter.

As a limited liability company, Defendant Sultan General Construction Company, LLC is

an artificial entity that can only act through agents, cannot appear *pro se*, and must be represented by counsel. *Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 201-02 (1993). ““Entry of a default judgment is appropriate where a defendant [entity] fails to comply with a court order to obtain counsel.”” *Woods v. KC Masterpiece*, No. 4:04-CV-936 CAS, slip op. at 1 (E.D. May 15, 2006) (quoting *R. Maganlal & Co. v. M.G. Chem. Co., Inc.*, No. 88 CIV. 4896 MJL THK, 1996 WL 715526, at *2 (S.D. N.Y. Dec. 12, 1996); see *Top Sales, Inc. v. Designer Vans, Inc.*, No. CIV.A. 3:96-CV-0721, 1997 WL 786254, at *2 (N.D. Tex. Dec. 11, 1997) (court grants counsel's motion to withdraw and orders defendant corporation to retain substitute counsel or risk having its pleadings stricken and default judgment entered against it)).

In its Memorandum and Order of April 13, 2022, the Court informed Defendant that default judgment may be entered against it if Defendant failed to obtain substitute counsel. As stated above, said Defendant has not obtained substitute counsel, and the Court now permits former defense counsel to withdraw. Therefore, the Court will order Plaintiffs to file motions to strike Defendant Sultan General Construction Company, LLC's pleadings, for Clerk's entry of default and, if appropriate, for default judgment, within thirty days of the date of this Order.

Accordingly,

IT IS HEREBY ORDERED that attorneys Corey L. Franklin and Matthew D. Grabell and the law firm of FordHarrison, LLP's Motion to Withdraw as Counsel of Record for the Defendant (ECF No. 25) is **GRANTED**.

IT IS FURTHER ORDERED that attorneys Corey L. Franklin and Matthew D. Grabell and the law firm of FordHarrison, LLP are granted leave to withdraw from the representation of Defendant Sultan General Construction Company, LLC in this matter.

IT IS FURTHER ORDERED that within thirty (30) days of this Memorandum and Order, Plaintiffs shall file separate motions to strike Defendant's pleadings, for Clerk's entry of default pursuant to Federal Rule of Civil Procedure 55(a) and, if appropriate, for default judgment pursuant to Federal Rule of Civil Procedure 55(b), along with all necessary supporting documentation and proposed order(s) for the Court's consideration.

IT IS FURTHER ORDERED that former counsel for Defendant shall provide a copy of this Memorandum and Order to Defendant via first class mail, postage prepaid, and via email, and file a notice with the Court that this has been done, within ten (10) days of the date of this Memorandum and Order.

Dated this 27th Day of May, 2022.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE